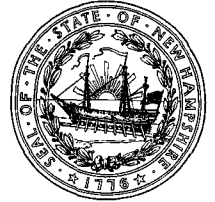




The State of New Hampshire  
**Department of Environmental Services**



Michael P. Nolin  
Commissioner

September 23, 2005

**LETTER OF DEFICIENCY #WSEB 05-155**  
Certified Mail # 7099 3400 0003 0690 9397

John Maloney  
The Housing Partnership  
MB Housing Partnership Office  
40 Chestnut Street, Suite 3  
Dover, NH 03820

**COPY**

Subject: Lee - Public Water System: Cedar Wood Estates (EPA #: 1332040)

Dear Mr. Maloney:

The records of the NH Department of Environmental Services (DES) show that Cedar Wood Estates is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people for 60 or more days per year. As such, the water system owner is required to submit samples according to the system's established Master Sampling Schedule to the State laboratory or a State-certified laboratory in compliance with NH Administrative Rules Env-Ws 326.

The current enforceable maximum contaminant level (MCL) for Arsenic is 0.050 mg/L. For systems on quarterly monitoring, compliance with the Arsenic MCL is determined by calculating the system's running annual average (RAA), which is the average of all the Arsenic samples collected in the past 12 months. Cedar Wood Estates water system's Quarter 3, 2005 Arsenic sample result of 0.030 mg/L, averaged with all the results collected within the past 12 months: 0.042 mg/L, 0.059 mg/L, 0.053 mg/L, and 0.074 mg/L, causes the system's Arsenic RAA to be 0.052 mg/L. As such, the system has exceeded the Arsenic MCL and therefore a violation has occurred.

DES believes the MCL violation(s) can be corrected and future violations prevented by taking the following actions:

1. **As soon as possible**, but no later than **October 23, 2005**, provide public notice of the violation(s) following the guidelines on the enclosed public notice handout. Continue providing public notice **each calendar quarter** for as long as the violation occurs; and
2. **Within 10 days** of providing notice, submit proof of public notice to this office following the guidelines on the enclosed public notice handout; and

3. Upon consumer request, you shall make alternate (*i.e.* bottled) water available for human consumption. If bottled water is used, the source must be an approved source, monitored in accordance with Env-Ws 389; and
4. **By October 23, 2005**, retain the services of a qualified consultant to address the water quality violation(s) and notify DES, in writing, of the name of the consultant hired. The consultant should review all existing water quality data and all feasible options prior to making recommendations to the owner for correcting the MCL violation(s). Guidance on options to correct the MCL violation and the recommended contents of a consultant's report are enclosed; and
5. **By December 23, 2005**, submit to DES the consultant's report, which shall contain the consultant's evaluation of feasible options, cost estimates, identification and justification of which option the owner has selected to implement, along with a timeline and final correction date to resolve the MCL violation(s). A maintenance schedule must be included if treatment is proposed. DES will approve the consultant's report, in writing, and specify the next submission deadline. A consultant's report determined to lack comprehensiveness will not be approved; and
6. **By the submission date established by DES** in the above-mentioned approval letter, submit to DES all engineering/technical documents for the design of the selected option. DES must review and approve, in writing, any engineering/technical documents prior to the commencement of any work on the system. Note that engineering plans for systems serving more than 50 service connections or 20,000 gpd must be stamped by a professional engineer; and
7. **By the DES-approved correction date**, take the corrective action as approved by DES. Notify DES in writing upon completion of the action(s) taken; and
8. Continue to sample in accordance with your Master Sampling Schedule (copy enclosed), which includes quarterly sampling for arsenic.

In the event compliance is not achieved within this period, DES may initiate formal action against you, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding, and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

**All information as requested above should be addressed as follows  
or faxed to (603) 271-5171:**

Allyson Gourley  
Department of Environmental Services  
Water Supply Engineering Bureau  
29 Hazen Drive, PO Box 95  
Concord, NH 03302-0095

For your information, fact sheets on Arsenic are available at: <http://www.des.state.nh.us/ws.htm>. These include general information, health effects and removal options. Also enclosed is a summary of the expected content of consultant report submittals for your review. Please be reminded that proposed treatment alternatives should take into consideration all water quality parameters as well as current and future quantity needs.

In addition to your operator, assistance may be available to you through a variety of sources. DES staff member Jim Gill, P.E. may be able to answer questions concerning treatment for Arsenic. He may be reached at (603) 271-2949 or via email at [jgill@des.state.nh.us](mailto:jgill@des.state.nh.us). Also, financial, managerial and technical assistance is available through either of two government funded technical assistance providers. These are NH Rural Water Association (1-800-556-3792) and RCAP Solutions, Inc. (1-800-488-1969). Health related questions may be directed to Dave Gordon of the DES Bureau of Environmental and Occupational Health whose number is (603) 271-4608. If you have any questions regarding this letter, please contact Selina J. Makofsky, P.G., at (603) 271-4109 or by email at [smakofsky@des.state.nh.us](mailto:smakofsky@des.state.nh.us).

Sincerely,

 **COPY**

Sarah Pillsbury, P.G., Administrator  
Water Supply Engineering Bureau

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Encl    Master Sampling Schedule  
         Public Notice Form  
         Report submittal information sheet

cc w/ encl(s): Shannon Morin, Secondwind Water Systems Inc., Primary Operator  
                 Verne Clow, Primary Contact

cc:        Gretchen R. Hamel, DES Legal Unit Administrator  
            Allan Dennis, Town of Lee Health Officer  
            EPA, Region 1  
            File

ec:        Jim Gill, P.E., DES  
            Dave Gordon, DES BEOH  
            John Lukin, NHRWA  
            Robert Morancy, RCAP Solutions, Inc.